

Minutes of the Independence City Commission's July 28, 2016 Meeting.

The Independence City Commission met on July 28, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Mayor Gary Hogsett, Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present. Others present included:

City Staff

Micky Webb, City Manager
Jeff Gettler, City Attorney
Kelly Passauer, Assistant City Manager
Jennifer Rutledge, Director of Finance/City Clerk
Jerry Harrison, Police Chief
Dave Cowan, Public Safety Director
Terry Lybarger, Director of Utilities
Barb Beurskens, Park and Zoo Director
Barry Beurskens, Fire Captain
Mike Passauer, Public Works Director
Rusty Baker, Fire Chief
April Nutt, Housing Director
Don Cushing, Building Inspector

Visitors

Larry McHugh	Toni Camacho
Jerry Bright	Ned Stichman
Debbie Miller	Charlotte Caflisch
Jon Risner	Dorcas Sutton
Malissa Turpin	Louis Ysusi
Rebecca Passauer	Judy Ysusi
Jana Shaver	Carolyn Torrance
Jeri Kay Hopkins	Chuck Schmidt
Dan Barwick	

Call to Order

The meeting was called to order by Mayor Gary Hogsett.

Pledge of Allegiance to the United States of America

Citizens' Concerns and Petitions

Ernestine Farris – Ernestine presented the Commission with a small article from Victorville. She used to live in Victorville and described it as a run down town. Independence is also being allowed to deteriorate. She drove through her neighborhood and on her 10 minute drive, she found at 1424 N 10th there was junk and cars in front of the house; 1014 N 11th there was debris around the house; 601 W

11th was selling items from the front yard and she did not know if they have a business license; 400 W. Chestnut has boats parked in several places. She has found that ordinances are only enforced when neighbors report neighbors and that is wrong. These ordinance should be enforced at all times.

Dan Barwick – lives at 510 E Maple and explained that he is speaking on his own behalf. He understands that there is a tax increase being recommended to support infrastructure improvements. He and his wife both heartily support this action. Much of the infrastructure is unseen, but expensive, and contributes to the vitality and quality of life every day. He has watched the Commission and they have carefully considered what the City has presented and he is comfortable that they are asking for needs not wants, and supports their work and the tax increase.

Louis Ysusi – asked some questions of the Commission:

- What is the status of N. Penn and Laurel Street? Core samples were taken, but what has happened?
- 4.6 mil levy being collected? How is that being used?
- Plan to improve Taylor to Rajah Road? There was a meeting approximately 18 mos or 2 years ago and he would like to know the outcome of that meeting.
- He agrees with the City determining that the needs of the Water Plant and the Peter Pan project are two of the most important things that the City can do.

Cereal Malt Beverage License

Gunner's Tavern – 112 S. 25th – Kevin Ford, Owner

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the Commission authorized a Cereal Malt Beverage License for Gunner's Tavern.

Aye: Caflisch, Meier, Hogsett

Nay: None

City Licenses

Hipfl Construction – Frontenac, KS – Jason Hipfl, Owner

GW Communications, LLC – Coppell, TX – Bob Kowalski, President/Owner

CALCOR Clothing – 2700 W. Main – Lisa Hugo, President
Affordable Furniture Depot, LLC – 315 N. Penn – Rhonda & Barry Graven,
Owners
Labette County Medical Center – 207 E. Laurel – Brian Williams, CEO
Littleton Catering Resources, LLC – 2009 ½ N. Penn – Brent Littleton, President

Adoption of the Consent Agenda

a. Appropriations

1. A-1770A and A-1771

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved A-1770A for \$15,426.05 and A-1771 for \$850,169.11.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. P-1734

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved P-1734 for \$133,362.83.

Aye: Caflisch, Meier, Hogsett

Nay: None

b. Consider approving the minutes of the July 14, 2016 Commission meeting [CITIZENS].

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the minutes of the July 14, 2016 Commission meeting.

Aye: Caflisch, Meier, Hogsett

Nay: None

c. Consider setting the date of August 25, 2016 at 5:30 PM for a public hearing to consider adoption of the North Penn Neighborhood Revitalization Plan(s) [CITIZENS/BUSINESS & INDUSTRY].

City staff recommends setting the date of August 25, 2016 at 5:30 PM for a public hearing to consider adoption of the North Penn Neighborhood Revitalization Plan(s).

This item was moved to Items for Commission Action.

This item was tabled for further discussion at a later date.

- d. Consider an agreement for a temporary use of right-of-way at 1704 West Main Street for the placement of a sign [CITIZENS/BUSINESS & INDUSTRY].

City staff recommends authorizing the Mayor to sign the attached agreement for the use of right-of-way at 1704 West Main Street for the placement of a sign.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the Mayor to sign the agreement for the use of - right-of-way at 1704 West main Street for the placement of a sign.

Aye: Caflich, Meier, Hogsett

Nay: None

- e. Consider authorizing the Mayor to sign an agreement with KDOT for the Upgrade to AWOS III w/PT for the Independence Municipal Airport [CITIZENS/BUSINESS & INDUSTRY/OTHER GOVERNMENTAL ENTITIES].

City staff recommends authorizing the Mayor to sign the attached agreement for the Upgrade to AWOS III w/PT for the Independence Municipal Airport.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission authorized the Mayor to sign the agreement for the Upgrade to AWOS III w/PT for the Independence Municipal Airport.

Aye: Caflich, Meier, Hogsett

Nay: None

Public Hearings

- f. Public hearings to consider condemnation of the following properties as dangerous and unsafe [CITIZENS]:

1. 601 South 1st Street

The Mayor opened the public hearing.

The Building Inspector presented on the condition of the property.

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-036, condemning 601 S 1st Street as dangerous and unsafe, allowing the property owner to begin repair or commence removal within 30 days.

Aye: Caflisch, Meier, Hogsett

Nay: None

2. 609 East Poplar Street

The Mayor opened the public hearing.

The Building Inspector presented on the condition of the property.

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-037, condemning 609 E Poplar as dangerous and unsafe, allowing the property owner to begin repair or commence removal within 30 days.

Aye: Caflisch, Meier, Hogsett

Nay: None

3. 621 North 16th Street

The Mayor opened the public hearing.

The Building Inspector presented on the condition of the property, and explained to the Commission that the property owner has already secured a Demolition Permit for removal of the property.

The Mayor closed the public hearing.

No action was taken.

4. 625 North 16th Street

The Mayor opened the public hearing.

The Building Inspector presented on the condition of the property.

The Mayor closed the public hearing.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-039, condemning 625 N 16th as dangerous and unsafe, allowing the property owner to begin repair or commence removal within 30 days.

Aye: Caflisch, Meier, Hogsett

Nay: None

5. 1016 West Cottonwood Street

The Mayor opened the public hearing.

The Building Inspector presented on the condition of the property.

The Mayor adjourned the public hearing to a later date.

Staff will provide a report on each of the above structures at the meeting. If the Commission wishes to proceed with condemnation, then adoption of resolution(s) condemning the structure(s) as dangerous and unsafe and providing the owner(s) thirty days to commence repair or removal is recommended.

- g. Public hearing to consider adopting a resolution of the Governing Body of the City of Independence, Kansas determining the advisability of issuing taxable industrial revenue bonds for the purpose of financing the acquisition, construction, furnishing and equipping of an assisted living facility to be located in said City; and authorizing execution of related documents [CITIZENS/BUSINESS & INDUSTRY].

Attached is a request, a resolution and other documents relating to the issuance of industrial revenue bonds for a proposed assisted living facility to be located at approximately 2120 North 13th Street. This is the same facility referenced in the next item relating to rezoning and a conditional use permit.

The Mayor opened the public hearing.

Montgomery County Assisted Living presented the project they plan to pursue on North 13th Street.

The Mayor closed the public hearing.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission adopted Resolution 2016-044, determining the advisability of issuing taxable industrial revenue bonds for the purpose of financing the acquisition, construction, furnishing and equipping of an assisted living facility to be located in said City; and authorizing execution of related documents. The exemption is to extend for a 10 year period at 100%

Aye: Caflisch, Meier, Hogsett

Nay: None

Items for Commission Action

- h. Consider a request to rezone a tract of land from R-1, large lot single family dwelling district to R-4, medium density multifamily dwelling district with a conditional use permit for nursing, convalescent and rest home services at approximately 2120 North 13th Street [CITIZENS].

The Planning Commission at their July 5, 2016 meeting voted to approve rezoning a tract of land from R-1, large lot single family dwelling district to R-4, medium density multifamily dwelling district with a conditional use permit for nursing, convalescent and rest home services at approximately 2120 North 13th Street. If the Commission accepts this recommendation, then the appropriation action would be to authorize the Mayor to sign the appropriate documentation authorizing the rezoning with a conditional use permit.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Ordinance 4225 rezoning a tract of land from R-1, large lot single family dwelling district to R-4, medium density multifamily dwelling district at approximately 2120 N 13th Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-042, authorizing a conditional use permit for nursing, convalescent and rest home services at approximately 2120 North 13th Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

Executive Session:

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission called a 30 minute Executive Session according to Kansas Statute 75-4319 (b) (1) for the purpose of discussing personnel matters of non-elected personnel to end at 7:05pm. The

Executive Session included Mayor Hogsett, Commissioner Meier, and Commissioner Caflisch, Kelly Passauer, Jeff Gettler, David Cowan, David Cooper (by phone) and Micky Webb.

Aye: Caflisch, Hogsett, Meier

Nay: None

- i. Consider setting the date of September 22, 2016 at 5:30 PM for a public hearing to consider condemnation of a fire damaged structure located at 510 South 4th Street; and a structure located at 624 N 17th Street [CITIZENS].

This structure was recently involved in a fire. City staff recommends setting the date of September 22, 2016 at 5:30 PM for a public hearing to consider condemnation of this property as dangerous and unsafe.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission adopted Resolution 2016-033, setting the date of September 22, 2016 at 5:30 PM for a public hearing to consider condemnation of a fire damaged structure located at 510 South 4th Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adopted Resolution 2016-019, setting the date of September 22, 2016 at 5:30 PM for a public hearing to consider condemnation of a structure located at 624 N 17th Street.

Aye: Caflisch, Meier, Hogsett

Nay: None

- j. Consider a request to donate 201 East Main Street to the City [CITIZENS].

The owner of 201 East Main Street, which is currently condemned and is on the agenda in the next item for review, has contacted the City Attorney and wishes to donate this property to the City. The City Manager recommends denying the donation.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission denied the donation of 201 E Main Street to the City.

Aye: Cafilisch, Meier, Hogsett

Nay: None

- k. Consider reviewing the condition of the following previously condemned properties [CITIZENS]:

1. 201 East Main Street – tabled for options to review
2. 208 West Walnut Street – granted 60 days to review
3. 300 South 14th Street – granted 60 days to review
4. 605 North 16th Street – granted 60 days to review
5. 821 East Maple Street – granted 60 days to review
6. 914 North 6th Street – granted 60 days to review
7. 921 East Hill Street – granted 60 days to review
8. 1201 West Laurel Street – granted 60 days to review
9. 1328 Irving Street – granted 60 days to review
10. 2905 Regency Drive – granted 60 days to review
11. 1013 East Hill Street

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized City Staff to set the date for removal of 1013 E. Hill.

Aye: Cafilisch, Meier, Hogsett

Nay: None

City staff will review the status of the above structures at the Commission meeting and make recommendations if needed.

- l. Consider bids received for removal of the following previously condemned properties:

1. 825 East Maple Street
2. 1309 West Cottonwood Street
3. 308 North 5th Street
4. 812 West Cottonwood Street
5. 805 North 21st Street
6. 605 North 16th Street

Below is the bid tab for the removal of the above listed structures:

Property Address	Eagle Demo & Environmental	JRB	G & G
825 E Maple	\$ 5,330.00	\$ 4,000.00	\$ 4,500.00
1309 W Cottonwood	\$ 8,989.00	\$ 3,500.00	\$ 3,800.00
308 N 5th	\$ 10,153.00	\$ 4,500.00	\$ 5,500.00
812 W Cottonwood	\$ 4,342.00	\$ 3,000.00	\$ 2,500.00
805 N 21st St	\$ 5,057.00	\$ 4,500.00	\$ 3,500.00
605 N 16th	\$ 3,952.00	\$ 2,500.00	\$ 3,500.00

City staff recommends awarding the low bid for each house as shown in **bold**.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission awarded the bids for 825 E Maple, 1309 W Cottonwood, 308 N 5th, 812 W Cottonwood, and 805 N 21st Street to the low bidder on each property; and rejected all bids on 605 N 16th.

Aye: Caflisch, Meier, Hogsett

Nay: None

- m. Consider proposals for a facilitator for the citizens' committee [CITIZENS].

Attached are proposals received for a facilitator for the citizens' committee.

Commissioner Meier asked to set up a time to meet with each group that has made a proposal. City Staff was directed to set up a time to meet with each group for a total of 30 minutes.

City Manager Micky Webb informed the Commission that due to environmental concerns at City Hall, he would like the Commission's permission to move all City Staff located at City Hall to Building D effective immediately.

Motion:

On the Motion of Commissioner Caflisch, seconded by Commissioner Meier, the Commission authorized the temporary relocation of city facilities from City Hall to Building D, and staff will provide a cost analysis to the Commission including the source of funding, and authorized staff to approach Mercy for receipt of the \$500,000 gift.

Aye: Caflisch, Meier, Hogsett

Nay: None

- n. Consider a revised proposal from PEC for professional services for proposed work at Memorial Hall [CITIZENS/QUALITY OF LIFE SYSTEM].

Attached is a revised proposal and scope of work from PEC as recommended at the last meeting, which includes the no longer supported lighting console and the update of the expiring audio frequencies. The other items have been moved to future budget years, as follows:

	2016	2017	2018	2019
MEMORIAL HALL	Revised	Requested	Requested	Requested
New LED Sign.				30,000.00
Contract with PEC to spec out Phase I Memorial Hall Improvements -- Auditorium Lighting Console and Civic Center Wireless Upgrades	4,600.00 (QOL)			
Contract with PEC to spec out Phase II Memorial Hall Improvements -- Auditorium Projector/Screen and Smart Lights and Veterans Room Audio/Visual Upgrades			10,000.00	
Auditorium Upgrades -- Lighting console, replace 6 wireless mics on a discontinued frequency and antenna distribution.	23,000.00 (QOL)			
Auditorium Upgrades (16' X 26' screen, 16,000 lumen projector mounted under balcony, four smart lights)			55,000.00	
Civic Center Wireless Upgrades (Add 1 wireless microphone, relocate 2 antennas, replace 1 discontinued wireless mic)	3,500.00 (QOL)			
Veterans Room Audio/Visual Upgrades (Add recordable lecture capture system with 2 cameras, Add poke-thru for mics on table, Add HDMI video distribution, Replace video projector, Add 16X9 framed wall screen, and Add 2 gooseneck mics)			40,000.00	
Create a line item for event hosting activities at Memorial Hall	10,000.00	10,000.00	10,000.00	10,000.00
TOTAL	41,100.00	10,000.00	115,000.00	40,000.00

PEC has indicated that if the agreement is approved now, then they anticipate no issues in getting this work completed prior to Neewollah. If the Commission agrees, then it is recommended that the attached agreement be signed and the items be approved for 2016 from Quality of Life Funds.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission approved the agreement with PEC and approved the items to be paid from the Quality of Life funds in 2016.

Aye: Caflisch, Meier, Hogsett

Nay: None

- o. Consider setting the date of August 11, 2016 at 5:30 pm for a public hearing to consider the revised 2016 and proposed 2017 budget [CITIZENS].

The City Clerk is recommending that the date of August 11, 2016 at 5:30 PM be set for a public hearing to consider the revised 2016 and proposed 2017 budget.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission set the date of August 11, 2016 at 5:30PM for a public hearing to consider the revised 2016 and proposed 2017 budget.

Aye: Caflisch, Meier, Hogsett

Nay: None

- p. Consider sponsoring MCAC Golf Tournament on October 7, 2016 [CITIZENS].

In past years, the City has sponsored the MCAC Golf Tournament in the amount of \$250. City staff would like direction from the Commission regarding whether or not they wish to provide such support this year.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Caflisch, the commission agreed to sponsor the beverage cart for the MCAC Golf Tournament.

Aye: Caflisch, Meier, Hogsett

Nay: None

Reports

- q. Report on restoring an abatement on property that previously had an abatement but was inadvertently lost when the owner leased the property to the buyer [BUSINESS & INDUSTRY].

Aaron Heckman, MCAC Director will review this item with the Commission.

Aaron Heckman reviewed the status of the abatement with the Commission.

- r. Report on sales tax received [CITIZENS].

Attached is the updated sales tax report.

- s. Report on City board minutes [CITIZENS].

Attached are minutes from the July 20, 2016 Library Board Meeting.

Commission Comments

Commissioner Caflisch asked what the status of Penn and Laurel is, as Neewollah is fast approaching. The City Manager responded that we are waiting on the results of the core samples, which should be available any day. He also told the Commission that the City has made it clear that the repairs done to date are completely inadequate.

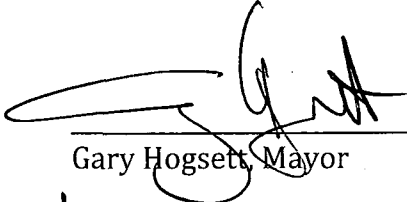
Adjournment

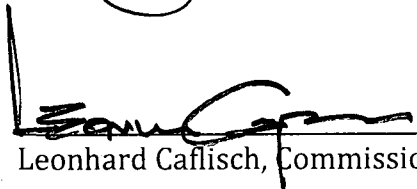
Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission adjourned the meeting.

Aye: Caflisch, Meier, Hogsett

Nay: None

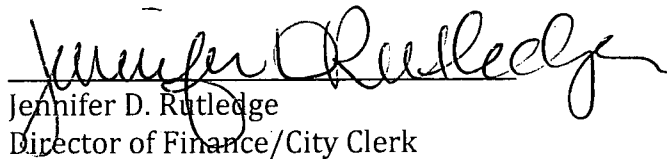


Gary Hogsett, Mayor

Leonhard Caflisch, Commissioner

Fred Meier, Commissioner

Attest:



Jennifer D. Rutledge
Director of Finance/City Clerk

Attendance Sheet
Independence City Commission Meeting
July 28, 2016

PLEASE PRINT

Name	Address
1 Jerry Bright	201 S 13 th
2 HAZEN BROWN	
3 Rod Fraebe	
4 Jim Kelly	309 S. 5 th
5 Sarah Steele, Gilmore & Bell	
6 Louis + Judy Ysusi	1109 W 9 th , 112 Timberlane Dr
7 Charlotte Cagline	600 S. 5 th
8 Lucas Smith	201 N 5 th
9 Dan Barwick	510 E Maple
10 Ned Stichman	
11	
12	
13	
14	
15	
16	
17	
18	

3

Request to Address the City Commission



Name: LOUIS YSUSI

Agenda item you wish to address: Letter: _____; or

Public concern you wish to address: ? about what 4.67 mill levy
collected to be used for repair on N. Penn Land ST.
KANSAS T work project TAYLOR RD TO RAJAH-
Prior to the start of the meeting, please hand this form to the City Clerk 2 lane to 4 lane project

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No. _____

outcome of meeting
cancel

(2)

Request to Address the City Commission



Name:

Dan Barwick

Agenda item you wish to address: Letter ~~or~~ or

Public concern you wish to address:

Infrastructure improvements

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No _____

①

Request to Address the City Commission



Name: Ernestine Florio

Agenda item you wish to address: Letter: _____; or

Public concern you wish to address: trash around city

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No _____